

David T. Biderman (SBN 101577)

Philip A. Leider (SBN 229751)

Jonmi N. Koo (SBN 233136)

PERKINS COIE LLP

Four Embarcadero Center, Suite 2400

San Francisco, California 94111

Telephone: (415) 344-7000

Facsimile: (415) 344-7050

Email: DBiderman@perkinscoie.com

Email: PLeider@perkinscoie.com

Email: JKoo@perkinscoie.com

Floyd Abrams (*pro hac vice* application to be filed)

Brian T. Markley (*pro hac vice* application to be filed)

Justin Giovannelli (*pro hac vice* application to be filed)

CAHILL GORDON & REINDEL LLP

80 Pine Street

New York, New York 10005

Telephone: (212) 701-3000

Facsimile: (212) 269-5420

Attorneys for Defendant The McGraw-Hill Companies, Inc.

Additional attorneys listed on signature page

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

COORDINATION PROCEEDING SPECIAL
TITLE [CRC 3.550(c)]:

AMBAC BOND INSURANCE CASES

Coordinated With:

The Olympic Club v. MBIA, Inc., et al., San
Francisco Superior Court Case No. CGC-09-
487058

Case No. C 10-05318

State Court Case Nos. CJC-08-004555, 09-
487058; JCCP NO. 4555

**JOINT STIPULATION REGARDING
ANTI-SLAPP BRIEFING SCHEDULE;
[PROPOSED] ORDER**

Judge:
Courtroom:

1 Plaintiffs and defendants in the above-captioned action hereby stipulate as follows:

2 WHEREAS this removed action was part of a Coordination Proceeding or Consolidated
 3 Proceedings pending in San Francisco Superior Court under the captions, Ambac Bond Insurance
 4 Cases, JCCP Case No. 4555 (“Coordination Proceeding”); *The Olympic Club v. MBIA, Inc. et al.*,
 5 San Francisco Superior Court Case No. CGC-09-487058 (“Olympic Club Action”); *The Jewish*
 6 *Community Center of San Francisco v. AMBAC Financial Group, Inc.* San Francisco Superior
 7 Court Case No. CJC-10-501361 (the “JCC Action”);

8 WHEREAS, the Rating Agency Defendants¹ were named as defendants in those actions
 9 captioned *Contra Costa County, et al. v. AMBAC Financial Group, Inc.*, Case No. CGC-09-
 10 492055, part of the JCCP Case No. 4555 Coordination Proceeding (the “Contra Costa Action”),
 11 the Olympic Club Action and the JCC Action;

12 WHEREAS, prior to removal, pursuant to an order dated October 12, 2010, the Honorable
 13 Richard A. Kramer, Judge of the Superior Court of San Francisco, permitted the Rating Agency
 14 Defendants to file an Anti-SLAPP motion under Code of Civil Procedure Section 425.16,
 15 addressing the issue of whether the challenged causes of action arise from protected activity as
 16 defined in Section 425.16;

17 WHEREAS, pursuant to an amended briefing schedule for the Anti-SLAPP motion, the
 18 Rating Agency Defendants’ reply papers were to be filed on or before December 3, 2010;

19 WHEREAS, on November 23, 2010, the Rating Agency Defendants filed a Notice of
 20 Removal of Action Under 28 U.S.C. § 1334 and 28 U.S.C. § 1452(a) with respect to the actions
 21 in which they were named, specifically the Contra Costa Action, the Olympic Club Action, and
 22 the JCC Action;

23
 24 ¹ Defendants Fitch, Inc., Fitch Group, Inc., Fitch Ratings, Ltd.* (collectively “Fitch”), Moody’s
 25 Corporation, Moody’s Investors Service, Inc. (collectively “Moody’s”), The McGraw-Hill
 Companies, Inc., Standard & Poor’s Financial Services, LLC (collectively, “S&P”) are
 collectively referred to as “the Rating Agency Defendants.”

26 * Defendant Fitch Ratings, Ltd. appears specially for the sole purpose of joining the parties’ joint
 27 stipulation. Fitch Ratings, Ltd. does not waive and expressly preserves all defenses, including its
 28 objection to this Court’s personal jurisdiction, and does not concede proper service of the
 complaints in these actions.

1 WHEREAS pursuant to 28 U.S.C. § 1450 all orders entered prior to the removal of the
2 action to this Court shall remain in full force and effect unless and until dissolved or modified by
3 the District Court;

4 WHEREAS, on November 30, 2010 plaintiffs filed a motion for remand and/or
5 abstention; and

6 WHEREAS, the parties seek to extend the time for the Rating Agency Defendants to serve
7 their reply to the plaintiffs' opposition to the Rating Agency Defendants' Anti-SLAPP motion
8 pending a determination on the motion for remand and/or abstention.

9 It is hereby STIPULATED AND AGREED by and between the undersigned counsel for
10 the parties that the Rating Agency Defendants' reply papers in support of the Anti-SLAPP motion
11 will be filed ten (10) days after a final decision is made on plaintiffs' motion for remand and/or
12 abstention. All other orders of the California Superior Court in these removed cases shall
13 otherwise remain in effect.

14 IT IS SO STIPULATED

15 DATED: December 13, 2010

16
17 By: /s/ Nanci E. Nishimura

18 COTCHETT, PITRE & MCCARTHY

19 Joseph W. Cotchett
jcotchett@cpmlegal.com
Nanci E. Nishimura
nnishimura@cpmlegal.com
20 840 Malcolm Road, Suite 200
21 Burlingame, CA 94010
Telephone: (650) 697-6000
22 Facsimile: (650) 697-0577

RENNE SLOAN HOLTZMANN SAKAI LLC

Louise Renne
350 Sansome Street, Suite 300
San Francisco, CA 94104
Telephone: (415) 678-3800
Facsimile: (415) 678-3838

23 **Attorneys for Plaintiffs**

24 County of San Mateo; County of Contra Costa;
25 The Olympic Club; City of Riverside; The
26 Redevelopment Agency of the City of
Riverside; The Public Financing Authority of
the City of Riverside and the Jewish
Community Center of San Francisco

1 By: /s/ David T. Biderman

2 PERKINS COIE LLP
3 David T. Biderman
Dbiderman@perkinscoie.com
4 Philip A. Leider
PLeider@perkinscoie.com
5 Jonmi Koo
JKoo@perkinscoie.com
6 Four Embarcadero Center
Suite 2400
7 San Francisco, California 94111-4131
Telephone: (415) 344-7000
8 Facsimile: (415) 344-7050

CAHILL GORDON & REINDEL LLP
Floyd Abrams
fabrams@cahill.com
Brian T. Markley
bmarkley@cahill.com
(Pro Hac Vice Applications to be
submitted)
Eighty Pine Street
New York, NY 10005-1702
Telephone: (212) 701-3000
Facsimile: (212) 269-5420

9 **Attorneys for Defendants**

10 The McGraw-Hill Companies, Inc., and
Standard & Poor's Financial Services, LLC

11 By: /s/ Keith E. Eggleton

12 WILSON SONSINI GOODRICH & ROSATI
13 Keith E. Eggleton
keggleton@wsgr.com
14 David A. McCarthy
dmccarthy@wsgr.com
15 650 Page Mill Road
Palo Alto, California 94304
16 Telephone: (650) 493-9300
Facsimile: (650) 493-6811

SATTERLEE STEPHENS BURKE
& BURKE LLP
Joshua M. Rubins
jrubins@ssbb.com
James J. Coster
jcoster@ssbb.com
(Pro Hac Vice Applications to be
submitted)
230 Park Avenue, Suite 1130
New York, NY 10169-0079
Telephone: (212) 818-9200
Facsimile: (212) 818-9606/7

18 **Attorneys for Defendants**

19 Moody's Investors Service, Inc., and
Moody's Corp.

20 By: /s/ Stephen E. Taylor

21 TAYLOR & COMPANY LAW OFFICES, LLP
22 Stephen E. Taylor
staylor@tcolaw.com
23 Jonathan A. Patchen
jpatchen@tcolaw.com
24 One Ferry Building, Suite 355
San Francisco, California 94111
Telephone: (415) 788-8200
25 Facsimile: (415) 788-8208

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

Martin Flumenbaum
mflumenbaum@paulweiss.com
Roberta A. Kaplan
rkaplan@paulweiss.com
(Pro Hac Vice Applications to be
submitted)
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: (212) 373-3000
Facsimile: (212) 757-3990

27 **Attorneys for Defendants**

28 Fitch, Inc., Fitch Group, Inc., and Fitch Ratings,
Ltd.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: December 13, 2010



Honorable Jeffrey White
United States District Court Judge